

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

Kevin P.B. Johnson (Bar No. 177129)  
kevinjohnson@quinnemanuel.com  
Todd M. Briggs (Bar No. 209282)  
toddbriggs@quinnemanuel.com  
David E. Myre (Bar No. 304600)  
davidmyre@quinnemanuel.com  
555 Twin Dolphin Drive, 5<sup>th</sup> Floor  
Redwood Shores, California 94065-2139  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

Edward J. DeFranco (Bar No. 165596)  
eddefranco@quinnemanuel.com  
51 Madison Avenue, 22<sup>nd</sup> Floor  
New York, New York 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

SINGER / BEA LLP

Benjamin L. Singer (Bar No. 264295)  
bsinger@singerbea.com  
Renee Bea (Bar No. 268807)  
rbea@singerbea.com  
601 Montgomery Street, Suite 1950  
San Francisco, California 94111  
Telephone: (415) 500-6080  
Facsimile: (415) 500-7080

*Attorneys for Plaintiff*  
TELESOCIAL, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TELESOCIAL, INC.,  
  
Plaintiff,  
  
vs.  
  
ORANGE S.A., et al.,  
  
Defendants.

CASE NO. 3:14-CV-03985-JD

**PLAINTIFF TELESOCIAL, INC.'S  
REQUEST FOR JUDICIAL NOTICE  
FILED IN SUPPORT OF ITS  
SUPPLEMENTAL BRIEFING ON  
ORANGE'S MOTION TO EXCLUDE  
PROFESSOR GEORGE FOSTER**

Judge: Hon. James Donato  
Crtrm.: 11, 19th Floor  
Action Filed: Sept. 2, 2014  
FAC Filed: Dec. 15, 2014  
Trial Date: April 10, 2017

**REQUEST FOR JUDICIAL NOTICE**

Plaintiff Telesocial, Inc. hereby requests that this court take judicial notice of the following document pursuant to Federal Rule of Evidence 201. Under that rule, the Court may “take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). Facts subject to judicial notice include those that are “generally known within the trial court’s territorial jurisdiction” and those facts which “can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned.” Fed. R. Evid. 201(b).

Courts may take judicial notice of court records, orders, opinions, and briefing, including those that otherwise may not be citable. *Loumena v. Kennedy*, 2015 WL 5963988, at \*6 (N.D. Cal. Oct. 13, 2015) (“Public records, including judgment and other court documents, are proper subject of judicial notice.”); *Wendt v. Smith*, 273 F. Supp. 2d 1078, 1082 (C.D. Cal. 2003). Specifically, Ninth Circuit courts have taken judicial notice of unpublished California state court cases. *See, e.g., Holder v. Holder*, 305 F.3d 854, 866 (9th Cir. 2002) (taking judicial notice of an unpublished decision of the California Court of Appeal); *Ismail v. County of Orange*, 2012 WL 3644170, at \*12 (C.D. Cal. June 11, 2012). Although findings of fact may not be the proper subject of judicial notice, a court’s reasoning is. *Schwarzkopf V. Int’l Bus., Machiens, Inc.*, 2010 WL 1929625, at \*9 n.13 (N.D. Cal. May 12, 2010). Accordingly, Telesocial requests judicial notice of the following:

Document or Work to be Noticed	Authority for Notice
<i>Vehicular Techs. Corp. v. Titan Wheel Intern., Inc.</i> , 2005 WL 1460296 (June 22, 2005)	Court record subject to judicial notice. <i>See Holder</i> , 205 F.3d at 866; <i>Ismail</i> , 2012 WL 3644170, at *12.

The decision of the court in *Vehicular Techs. Corp. v. Titan Wheel Intern, Inc.* is attached as Exhibit B to the Declaration of Todd Briggs filed concurrently with this request.

Respectfully submitted,

TELESOCIAL, INC.

By its attorneys,

/s/ Todd M. Briggs

Todd M. Briggs

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

Dated: March 13, 2017